

REMARKS

Claims 1-69 are pending in the present application. Claims 1-69 have been rejected.

Claims 1, 3, 7, 9, 13, 14, 18, 20, 24, 26, 30, 31, 35, 37, 41, 43, 47, 48, 52, 53, 58, 60, 64 and 65 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dailey (U.S. Patent No. 6,449,491) in view of Hamalainen (U.S. Patent No. 5,966,378). Applicants respectfully traverse the rejection.

For purposes of brevity, the Applicants' previous amendments and remarks on the record are also incorporated into this response.

The Applicants would like the Examiner to note that claim 1 of the Applicants' claimed invention uses, *inter alia*, receiving a **floor-control request** from a source communication device for initiating a group call, transmitting a response to the **floor-control request** from a controller after the service origination process is complete, configuring a communications manager (CM) to not respond immediately to the **floor-control request** and not issuing a service origination request until after a talker mobile station (MS) has received a response to the **floor-control request**.

Dailey fails to teach or suggest at least the feature of using a **floor-control request**. In Dailey, the portion of the patent referenced in the Office Action (col. 10, lines 8-20) discloses:

A confirm message identifies the originating terminal, i.e., the terminal that transmitted the **group call origination message** accepted by the system, so that any other terminals who may have transmitted a **group call origination message** around the same time that the originating terminal's message was received can be informed that they did not "win" the traffic channel. For example, a terminal receiving a confirm message identifying itself as the originating terminal may receive an audible beep or similar indication that the terminal can proceed to transmit voice information over the common traffic channel. Conversely, terminals receiving a confirm message identifying another terminal as the originating terminal may receive no indication.

Please note that there is no teaching or suggestion in Dailey of using floor-control request information at all nor as claimed by the Applicants. The teachings and disclosures of Dailey are all directed towards using group call origination messages. Also, an examination of the claims of Dailey also demonstrates the focus on group call origination messages and **not** on floor-control requests as claimed by the Applicants. For example, claim 1 of Dailey is presented below with the references to group call origination shown in boldface and to emphasize that there is no usage of the floor control request as claimed by the Applicants.

1. In a wireless communications system including a plurality of distributed transceiver units, each of which are operative to communicate with terminals over a plurality of communications channels, a method of conducting a group call comprising the steps of:

transmitting a **group call origination message** from an originating terminal;

receiving the **group call origination message** at a transceiver unit;

transmitting a group call traffic channel designation message addressed to a group of terminals from the transceiver units responsive to the received **group call origination message**, the transmitted group call traffic channel designation message designating a common traffic channel; and

communicating among terminals of the group of terminals via the plurality of distributed transceiver units over the designated common traffic channel, wherein said step of communicating comprises the steps of:

communicating between one of the terminals and first transceiver unit during a group call; and then

communicating between the one terminal and a second transceiver unit during the group call, without a handoff.

The Examiner also acknowledges that the primary reference (Dailey) is defective in that it fails to expressly disclose “avoiding a race condition between the service origination process and paging.” The Examiner then applies Hamalainen as a secondary reference to make up for the deficiencies of the primary reference.

The Applicants respectfully submit that the secondary reference fails to make up for the deficiencies of the primary reference as noted above. Therefore, for at least these reasons, it is respectfully submitted that the rejection be withdrawn and that the claims be allowed.

Independent claims 7, 13, 18, 24, 30, 35, 41, 47, 52, 58 and 64 are independent claims that recite related subject matter to independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features found in these claims.

Dependent claims 3, 9, 14, 20, 26, 31, 37, 43, 48, 53, 60 and 65 are dependent claims that depend upon their respective independent claims and should be allowed for at least the same reasons presented above regarding the independent claims that they depend upon, as well as the additionally recited features found in these claims.

Claims 2, 8, 19, 25, 36, 42, 53 and 59 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dailey in view of Hamalainen and further in view of Phillips et al. (U.S. Patent No. 5,873,023). Applicants respectfully traverse the rejection.

It is respectfully submitted that the application of Hamalainen and Phillips et al. as secondary and tertiary references fails to cure the deficiencies of the primary reference Dailey as noted above in addressing independent claim 1. Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 2, 8, 19, 25, 36, 42, 53 and 59 be allowed.

Claims 4, 5, 10, 11, 16, 21, 22, 27, 28, 33, 38, 39, 44, 45, 50, 55, 56, 61, 62 and 67 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dailey in view of Hamalainen and further in view of Kumar et al. (U.S. Patent No. 6,507,572). Applicants respectfully traverse the rejection.

It is respectfully submitted that the application of Hamalainen and Kumar et al. as secondary and tertiary references fails to cure the deficiencies of the primary reference Dailey as noted above in addressing independent claim 1. Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 4, 5, 10, 11, 16, 21, 22, 27, 28, 33, 38, 39, 44, 45, 50, 55, 56, 61, 62 and 67 be allowed.

Claims 6, 12, 23, 29, 40, 46, 51, 57, 63, 68 and 69 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dailey in view of Hamalainen and further in view of Wang et al. (U.S. 20020055364). Applicants respectfully traverse the rejection.

It is respectfully submitted that the application of Hamalainen and Wang et al. as secondary and tertiary references fails to cure the deficiencies of the primary reference Dailey as noted above in addressing independent claim 1. Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 6, 12, 23, 29, 40, 46, 51, 57, 63, 68 and 69 be allowed.

Claims 15, 32, 49 and 66 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dailey in view of Hamalainen and further in view of Hunzinger (U.S. 20020082032A1). Applicants respectfully traverse the rejection.

It is respectfully submitted that the application of Hamalainen and Hunzinger as secondary and tertiary references fails to cure the deficiencies of the primary reference Dailey as noted above in addressing independent claim 1. Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 15, 32, 49 and 66 be allowed.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: March 20, 2006

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